

REMARKS

Claims 1-9 and 12-20 are currently pending. Of those claims, claims 1, 5 and 16 are independent.

In the outstanding non-final Office Action, claims 5 and 16-17 are rejected under 35 USC Section 102(b) as being anticipated by Proctor et al. (US Patent 6,049,537, hereinafter "Proctor"). Lastly, claims 1-4, 6-9, 12-15 and 18-20 are rejected under 35 USC Section 103(a) as being unpatentable over Proctor in view of Bladsjo et al. (US Patent 6,907,030, hereinafter "Bladsjo").

The above rejections are respectfully disagreed with, and are traversed below.

Independent claims 1, 5 and 16 recite, respectively (emphasis added):

1. A method comprising:

if a terminal of a packet-switched cellular network estimates that a combined bit count of a voice sample and a header field of a voice packet exceeds an available transmission capacity of a transmission channel allocated to the terminal, then the terminal reduces a number of bits in the voice sample or steals at least one whole voice block; and

the terminal uses the reduced voice sample bits for transmitting the header field data of the same packet, wherein the voice sample and the header field are transmitted in real time in the transmission channel.

5. A terminal comprising:

a means for reducing a number of bits in a voice sample included in a packet to be transmitted and

a means for using said reduced bits of the voice sample for transmitting header field data of the same packet in a digital packet-switched cellular network.

16. A terminal comprising:

a controller for processing an algorithm for reducing a number of bits in a voice sample included in a packet to be transmitted and using the reduced bits of the voice sample for transmitting header field data in the packet, the terminal configured to transmit the packet in a digital packet-switched cellular network.

Claims 2-4, 6-9, 12-15 and 17-20 depend from an independent claim and recite further advantageous features.

Thus, it can be seen that the claimed invention relates to a terminal in a packet-switched network. For example, a mobile terminal can reduce bits belonging to a speech sample to be transmitted and use the saved bits in a header field of the speech packet if there is a lack of transmission capacity. The header field of a speech packet can thus be in a decisive role when the speech packet is directed to a right receiving terminal in the packet-switched network.

In contrast to the subject independent claims, Proctor depicts a circuit switched CDMA network. This is described in the "Background of the Invention" and Figures 1, 2, 5b and 6. A connection between two terminals is thus on all of the time. Therefore, in the system of Proctor a header field of a speech frame does not play a decisive role in the connection establishment between the two terminals.

Moreover, the system of Proctor depicts a fully centralized solution. A decision to reduce encoding rate in the depicted connection is made by a functional block referred to as a "Network arbiter" 24. It is a functional part of a Base Station Controller (Fig. 1). The Base Station Controller does not correspond to Applicant's claimed terminal.

The network arbiter 24 handles capacity problems in a connection 20 between the Base Station Controller 10 and a Base Station 16. If the network arbiter calculates that the connection 20 is fully loaded it can direct vocoders 26 of the Base Station Controller to reduce encoding rate and so to decrease load in the connection 20.

It is noteworthy that Proctor is silent as to what the mobile terminal 22A and 22B does (or does not do) and how the connection between a Base Station and a mobile terminal is managed.

In view of the foregoing, Applicant respectfully asserts that the Patent Office's anticipation rejection is not valid because, for example, the network of Proctor is not a packet-switched network. Therefore, speech frames (called speech packets in Proctor) can not, for instance, utilize header fields for directing speech packets to a correct receiving terminal. Further, the Base Station Controller can handle capacity problems of a connection, instead of, for example, Applicant's recited terminal.

The addition of Bladsjo does not cure the shortcomings of Proctor and does not disclose or suggest Applicant's claims. In particular, as noted above, Proctor depicts a circuit switched CDMA network in contrast to a packet-switched network. Proctor also depicts a centralized solution where capacity problems in a connection can be taken care of in a Base Station Controller, in contrast to Applicant's recited terminal.

Although Bladsjo may depict a packet-switched network, this reference does not disclose or suggest any teaching as to how the afore-mentioned two deficiencies of Proctor could be addressed in a such a way as to lead the skilled artisan to arrive at Applicant's claims. Nor is there any reason for combining and modifying the cited references to arrive at the subject claims.

In view of the foregoing, Applicant's independent claims 1, 5 and 16 are believed to be patentable. Similarly, the remaining dependent claims also are believed to be patentable at least in view of their dependency from an allowable independent claim.

The Examiner also is kindly requested to acknowledge Applicant's foreign priority claim and receipt of the certified copy of the Finnish priority document, which was submitted to the USPTO on January 20, 2004.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, the Patent Office is respectfully requested to reconsider and remove the outstanding rejections and to allow all of the pending claims 1-9 and 12-20. An early notification of the allowability of claims 1-9 and 12-20 is earnestly solicited.

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